

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

IN RE:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

THIS DOCUMENT RELATES ONLY
TO THIS TITLE III CASE²

VERIFIED STATEMENT PURSUANT TO FRBP 2019
OF THE GROUP OF CREDITORS OF THE CONSOLIDATED CFI JUDGMENT
DATED APRIL 22, 2016

Pursuant to Rule 2019 of the Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule 2019”) and Section V.B. of the *Fourth Amended Notice, Case Management and Administrative Procedures Order* entered in Docket Entry 2839 on April 4, 2018 (the “Case Management and Administrative Procedures Order”), the present verified statement (the “Statement”) is submitted by those certain Plaintiffs in the cases of Norberto Tomassini *et al* v. Commonwealth (group of fifty-eight (58) Plaintiffs against the Commonwealth in Civil Case Num. A MI2003-0143) and Ivan Ayala *et al* v. Commonwealth (group of twenty-eight (28) Plaintiffs against the

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); and (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² This clarification is made in accordance to the Court’s *Order (A) Pursuant to PROMESA Section 304(G), Directing Joint Administration of Initial Title III Cases and Additional Title III Cases, and (B) Pursuant to Section 105(A) of The Bankruptcy Code, Making Certain Orders Entered on First Day Pleadings Applicable to the Additional Title III Cases*. See, Docket No. 167 at ¶ 5 of p. 4.

Commonwealth in Civil Case Num. A PE2005-0049), all creditors of the estate pursuant to that certain favorable consolidated Judgment entered on April 22, 2016 by the Court of First Instance of Aguadilla (“CFI”) (collectively the “Group of Creditors of the Consolidated CFI Judgment dated April 22, 2016”)³.

In support of the Statement, the Group of Creditors of the Consolidated CFI Judgment dated April 22, 2016 hereby respectfully state as follows:

BACKGROUND

1. As of May 3, 2017 (the “Petition Date”) and up to and including the date of this Statement, in these Title III Cases, the undersigned counsel represented [and continues to represent] the Group of Creditors of the Consolidated CFI Judgment dated April 22, 2016 (each Plaintiff in the Group of Creditors of the Consolidated CFI Judgment dated April 22, 2016 constitutes a “Member” thereof).

2. In 2003 and 2005, respectively, two (2) group complaints against the Commonwealth were commenced in the CFI in Civil Case Num. A MI2003-0143 and Civil Case Num. A PE2005-0049.

3. As briefly discussed herein above, on April 22, 2016 the CFI entered a single final consolidated Judgment in favor of both groups, effectively consolidating both cases and all holders of the two (2) group causes of action into the instant single Group. Thus, for purposes of FRBP 2019(c), the single Group of Creditors was formed on April 22, 2016.

³ The present Statement is filed in accordance to the Case Management and Administrative Procedures Order in connection with the cases (“Title III Cases”) commenced by the above-captioned debtors under title III of the Puerto Rico Oversight, Management, and Economic Stability Act (“PROMESA”).

4. Thereafter, the Commonwealth filed an appeal of the April 22, 2016 Judgment to the Puerto Rico Court of Appeals (the “Court of Appeals”), case Num. KLAN 2016-01283. On June 1, 2017, the Commonwealth filed a notice for stay of the proceeding in the Court of Appeals pursuant to the filing of the Title III cases, which was granted by such forum on September 12, 2017.

5. The Debtors issued a single notice of the Order for Relief and further notified a group claim in *Schedule H for Litigation Related Obligations* to the undersigned counsel in connection with all Members of the Group of Creditors of the Consolidated CFI Judgment dated April 22, 2016 [PROMESA Case Num. 17 BK 3283-LTS; Docket Entry 1215-14, P. 129].

6. As of the Petition Date, the Members of the Group of Creditors of the Consolidated CFI Judgment dated April 22, 2016 hold approximately \$4,909,607.10 in aggregate amount of unsecured claims.

7. In accordance with Bankruptcy Rule 2019, the address and the amount of all disclosable economic interests for each Member is set forth in Exhibit A attached herein. The nature of the disclosable economic interests for each Member, pursuant to the Consolidated Judgment entered on April 22, 2016, is the same: Overtime Wages and Salaries Owed⁴.

8. As of the date of this Statement, the undersigned represents the Group of Creditors of the Consolidated CFI Judgment dated April 22, 2016⁵.

9. In addition, no individual Member of the Group of Creditors of the Consolidated CFI Judgment dated April 22, 2016 (a) assumes any fiduciary or other duties to any other creditor

⁴ In the abundance of caution, the Group of Creditors of the Consolidated CFI Judgment dated April 22, 2016 informs that each Member’s disclosable economic interest was acquired more than one (1) year prior to the Petition Date. As such, the Group contends that they are waived from the disclosure requirements of FRBP 2019(c)(2)(C).

⁵ The undersigned also represents other Groups of creditors (which are unrelated to the Group of Creditors of the Consolidated CFI Judgment dated April 22, 2016) against certain other instrumentalities of the Commonwealth, each of which will be filing their respective separate Verified Statements in compliance with FRBP 2019.

or person and (b) purports to act, represent or speak on behalf of any other entities in connection with the Title III Cases.

10. For the avoidance of doubt, nothing contained in this Statement (or Exhibit A hereto) is intended to or should be construed to constitute (a) a waiver or release of any claim(s) filed or to be filed against or interests in the Debtors in any title III case held by any Member, its affiliates or any other entity, or (b) an admission with respect to any fact or legal theory. Nothing herein should be construed as a limitation upon, or waiver of, any rights of any Member to assert, file and/or amend any proof of claim in accordance with applicable law and any orders entered in these cases.

11. The undersigned verifies that the foregoing is true and correct to the best of her knowledge. Further, all rights to amend or supplement this Statement are fully reserved.

I HEREBY CERTIFY that on this same date, we electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all CM/ECF participants in this case. We further certify that, on this same date, we served the foregoing upon all the Standard Parties as identified, defined and in the manner established in ¶ II of the Case Management and Administrative Procedures Order, as amended on April 4, 2018 (Dockets No. 2839 of Case No. 17-03283 (LTS), as well as upon all of the parties identified in the Master Service List maintained at <https://cases.primeclerk.com/puertorico/>.

RESPECTFULLY SUBMITTED,

San Juan, Puerto Rico, on this 7th day May 2018.

/s/ Ivonne González-Morales
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Counsel for the Group of Creditors of the Consolidated CFI Judgment dated April 22, 2016

Exhibit A

**Names, Addresses and Disclosable Economic Interests of the Members of the Group of Creditors of the Consolidated CFI
Judgment dated April 22, 2016¹**

A. Portion of Group Members under case of Norberto Tomassini *et al*, Civil Case Num. A MI2003-0143 (58 Plaintiffs)

NAME OF MEMBER	ADDRESS	AMOUNT OWED BY COMMONWEALTH (approx.)
1. ACEVEDO GONZALEZ, JOSE L.	HC-1 BOX 6293 MOCA PR 00676	\$ 69,015.87
2. ACEVEDO GONZALEZ, JOSE M.	HC 59 BOX 5926 AGUADA PR 00602	\$ 54,360.19
3. ARCE LETRIZ, JOSE M.	HC-03 BOX 33234 BO. GUERRERO AGUADILLA, PR 00603-9708	\$ 49,841.69
4. BABILONIA HERNÁNDEZ, EDGARDO	RES. DUCOS EDIF. #25 APT. #164 AGUADILLA, PR 00603	\$ 60,170.10
5. BADILLO MARTINEZ, ROBERTO	P.O. BOX 2163 VICTORIA ST. AGUADILLA, PR 00605	\$ 58,360.20
6. BARRETO COLON, EDWIN	P.O. BOX 1659 SAN SEBASTIAN, PR 00685	\$ 63,335.75
7. CARABALLO VALENTIN, JUAN A.	HC-01 BOX 3742 LARES, PR 00669	\$ 67,035.72
8. COLON VILLANUEVA, DANIEL	RES. AGUSTIN STAL Edif. apt. 340 AGUADILLA, PR 00603	\$ 63,638.58

¹ To the best of Counsel's knowledge, the information included herein is accurate as of May 3, 2017. The amounts set forth herein include outstanding principal plus overdue interests at the annual rate of 0.50% as of the Petition Date, pursuant to the official information provided by the Puerto Rico Office of the Commissioner of Financial Institutions (OCIF).

9. CORDERO LASSALLE, JOSE A.	BOX 140 MOCA PR 00676	\$ 50,823.35
10. CORDERO VARELA, EDDIE	BZN. 4-215 A, BO. LLANADAS, ISABELA, PR 00662	\$ 60,120.45
11. CUBA MENDEZ, ELIGIO	HC 01 BOX 4847 CAMUY, PR 00627	\$ 45,547.20
12. FELICIANO SERRANO, WILLIAM	APARTADO 723 QUEBRADILLAS PR 00678	\$ 85,314.48
13. GALVAN MACHADO, VICTOR A.	BO. GALATEO BAJO SECT. MACHADOS BZ. 1 ISABELA PR 00662	\$ 67,232.35
14. GARCIA GONZÁLEZ, RAMON	HC 57 BOX 9111 AGUAD, PR 00602	\$ 60,237.96
15. GONZALEZ CABAN, FELIX	P.O. BOX 4426 AGUADILLA, PR 00605	\$ 73,599.10
16. GRAJALES DOMÉNECH, FELIX	HC-5 BOX 50234 AGUADILLA, PR 00603	\$ 46,773.68
17. GONZALEZ HERNANDEZ, MANUEL	P.O. BOX 188 MOCA, PR 00676	\$ 94,227.70
18. GONZÁLEZ RIOS, JUAN R.	URB. EL CULEBRINAS CALLE CEIBA L #34 SAN SEBASTIÁN, PR 00685	\$ 51,387.26
19. HERNÁNDEZ PEREZ, NEFTALI	HC-3 BOX 9352 MOCA, PR 00676	\$ 45,910.44
20. HERNÁNDEZ VARGAS, RAYMOND	CALLE PLATA # 457 MOCA, PR 00676	\$ 55,311.63

21. LAO RODRÍGUEZ, RUBY	P.O. BOX 1530 VICTORIA STA. AGUADILLA, PR 00605	\$ 49,821.94
22. LOPEZ LOPERENA, REYNALDO	HC-05 BOX 10229 MOCA, PR 00676	\$ 57,908.93
23. LOPEZ GONZALEZ, HERIBERTO	BARRIO ESPINAL BZN. 115 CALLE B. AGUADA, PR 00602	\$ 66,199.07
24. LOPEZ SOTO, ELIÉZER	BUZON 1-275 BO. LLANADAS SEC. PONCITO	\$ 66,789.15
25. LORENZO LORENZO, OSCAR	P.O. BOX 1337 RINCON, PR 00677	\$ 43,092.81
26. MACHADO BARRETO, RENE	BO. GALATEO ALTOS BNZ. 5-209 SANTA ISABELA, PR 00662	\$ 78,592.92
27. MONTERO PELLOT, MIGUEL	HC 03 BOX 30767 AGUADILLA, PR 00603	\$ 58,967.17
28. MORALES GONZALEZ, ANGEL	APT. #1037 AGUADA, PR 00602	\$ 34,104.24
29. MUÑIZ SUAREZ, LUIS A	HC0 2 BOX 24359 AGUADILLA PR 00603	\$ 59,889.36
30. NIEVES ROSA, PABLO C.	URB. BORINQUEN #109 CALLE B. AGUADILLA PR 00603	\$ 61,492.68
31. NUÑEZ VALLE, ADRIAN	HC 01 BOX 11383 SAN SEBASTIÁN, PR. 00685	\$ 45,639.03
32. PEREZ ROMAN, RAFAEL	BO. CACAO SEC. TELAS BUZON 1517 QUEBRADILLA PR 00678	\$ 56,708.63
33. QUIÑÓNEZ COLON, WILLIAM	URB. SANTA ROSA CALLE GRECIA 816 ISABELA, PR 00662	\$ 46,388.71

34. RIOS LASSALLE, EURIPIDES	HC 02 BOX 12516 MOCA PR 00676-9748	\$ 69,627.88
35. RIVERA CABAN, JOSE	HC 03 7935 MOCA, PR 00676	\$ 66,125.94
36. RIVERA TORRES, FRANCISCO	URB. MONTEMAR #47 AGUADA, PR 00602	\$ 59,511.40
37. RIVERA VALENTIN, JESÚS M.	URB. SAN CRISTÓBAL C-12 AGUADA PR 00602	\$ 65,962.77
38. ROBLE FELICIANO, SIXTO	JARDINES DE LARES BZN. B-15 LARES PR	\$ 74,602.91
39. RODRÍGUEZ CORTES, FRANCISCO	HC-03 33258 AGUADILLA PR 00603	\$ 76,235.39
40. RODRÍGUEZ ECHEVARRÍA, EMILIO	573 CARRETERA 112 ARENALE ALTOS ISABELA, PR 00662	\$ 62,555.73
41. RODRÍGUEZ PEREZ, ISRAEL	HC-04 BOX 44975 AGUADILLA, PR 00603	\$ 51,161.70
42. ROMAN FERRER, NOEL F.	URB. VILLA LINDA, CALLE REINA MORA #85 AGUADILLA, PR 00603	\$ 74,967.61
43. SAMOT CRUZ, OMAR	P.O. BOX 2537 AGUADILLA, PR 00603	\$ 38,120.63
44. SANTANA RODRIGUZ, JOSE M.	URB. COSTA BRAVO CALLE #2-B-9 ISABELA, PR 00662	\$ 67,227.33
45. SANTIAGO CONCEPCIÓN, GETULIO	15 VILLA ESPERANZA ISABELA, PR 00662	\$ 30,915.20

46. SOTO GONZALEZ, ALEX I.	PO BOX 533 VICTORIA STA. AGUADILLA, PR 00605	\$ 22,435.77
47. SOTO ROMAN, JUAN A.	AVE. LAMELA #102 ISABELA, PR 00662	\$ 77,026.56
48. TOMASSINI, NORBERTO	304 GUERRERO AGUADILLA, PR 00603	\$ 31,799.61
49. TUBENS TORRES, ALEJANDRO	HC 01 BOX 5352 MOCA, PR 00676	\$ 83,585.18
50. VALENTIN ARVELO, LEONIDES	BOLA CABON #106 AGUADILLA, PR	\$ 46,038.37
51. VALENTIN CABAN, JAVIER	P.O. BOX 250034 BASE RAMEY AGUADILLA, PR 00604	\$ 56,393.71
52. VALLE MENDOZA, FRANCO	BO. LAGUNAS HC 58 BOX 14575 AGUADA, PR 00602	\$ 64,281.37
53. VARELA JIMÉNEZ, SAMUEL	BUZON 4-296 ISABELA PR 00662	\$ 53,843.02
54. VARGAS RAMOS, EDWIN	BUZ. 68 RUTA BO. ARRENALES BAJOS ISABELA PR 00662	\$ 82,584.43
55. VAZQUEZ ARROYO, ARMANDO	HC 04 BOX 44030 LARES, PR 00669	\$ 70,366.85
56. VAZQUEZ PEREZ, ANGEL L.	P.O. BOX 2192, BO. PALADORAS MOCA PR 00676	\$ 90,694.34
57. VAZQUEZ PEREZ, RIGOBERTO	P.O. BOX 2192, GUERRERO 304 AGUADILLA PR 00603	\$ 69,718.39
58. VELÁSQUEZ NIEVES, ELIÉZER	URB. VILLA ALEGRIA CALLE RUBI #53 AGUADILLA, PR 00603	\$ 52,489.37
		\$ 3,486,109.80

B. Portion of Group Members under case of Iván Ayala *et al*, Civil Case Num. A PE2005-0049 (28 Plaintiffs)

NAME OF MEMBER	ADDRESS	AMOUNT OWED BY COMMONWEALTH (approx.)
1. AYALA MARRERO, IVAN M.	HC-02 BOX 22172 AGUADILLA, PR 00603	\$ 45,554.96
2. COLON CAMACHO, MARCIAL	P.O. BOX 534 ANGELES, PR 00611	\$ 54,166.04
3. CORDERO VARGAS, SANDRA. M	HC-02 BOX 8645 QUEBRADILLAS, PR 00678	\$ 20,053.63
4. CRUZ CUBERO, EFRAIN	HC-01 BOX 102215 HOYA MALA SAN SEBASTIÁN, PR 00685	\$ 57,894.40
5. DEL VALLE VENDRELL, PEDRO A.	URB. MEDINA CALLE #6 F-15 ISABELA, PR 00662	\$ 47,975.54
6. HERNANDEZ AVILES, RAFAEL	HC-59 BOX 5272 AGUADA, PR 00602	\$ 83,707.97
7. HERNANDEZ MENDEZ, MARCOS	BO. MEMBRILLO CAMUY, PR 00627	\$ 26,811.69
8. HERNANDEZ RODRIGUEZ, LUIS	BO. NARANJO, MOCA, PR 00676	\$ 43,250.36

9. HERNANDEZ SALAS, ANGEL	PARCELAS MAMEY MOCA, PR 00676	\$	28,728.55
10. JAIME VEGA, WENDELL S.	HC-03 BOX 39355 AGUADILLA, PR 00603	\$	43,480.35
11. LOPEZ VELEZ, MARIO	BO. ACEITUNA MOCA, PR 00676	\$	63,719.10
12. LORENZO CORDERO, CARMEN M.	HC-05 BOX 10397 BO. CUCHILLA, MOCA PR 00676	\$	35,160.88
13. MANGUAL UGARTE, JOSE E	HC-02 11663 BARRIO ROCHA, MOCA 00676	\$	36,964.03
14. MATIAS GERENA, CARLOS F.	HC-01 BOX 4992 RINCÓN, PR 00677	\$	69,692.00
15. MEDINA MORALES, ELSEM	BUZÓN HC-4 BOX 14270 MOCA, PR 00676	\$	65,005.34
16. MEDINA VALENTIN, CARLOS M.	BO. LLANADAS ISABELA, PR 00662	\$	43,842.56
17. NIEVES ROSA, ALVIN	CALLE PACO ROSA #21 MOCA, PR 00676	\$	67,880.91

18. RAMOS CARO, CESAR	CALLE CORDOVA #82 URB. MARBELLA AGUADILLA, PR 00603	\$	56,287.14
19. RIVERA ZABALA, MIGUEL	URB. NUEVO SAN ANTONIO #110 AGUADILLA, PR 00603	\$	18,159.42
20. ROLDAN CORTES, JOSE L.	HC-03 BOX 33491 AGUADILLA, PR 00603	\$	73,537.35
21. ROMAN NIEVES, OTILIO	ARENALES BAJOS, BUZÓN 5-116 ISABELA, PR 00662	\$	80,382.47
22. ROSA PELLOT, LOYDA F.	HC-03 BOX 34201 BO. ACEITUNA MOCA, PR 00676	\$	28,503.26
23. SEGUI ROMAN, OCTAVIO	P.O. BOX 665 VICTORIA STATION AGUADILLA, PR 00605	\$	70,657.03
24. SOTO VELEZ, WILLIAM	AC-8, BOX 44915 AGUADILLA, PR 00603	\$	64,581.28
25. TORRES BORRERO, THOMAS	HC-01 BOX 6356 MOCA, PR 00676	\$	55,937.26

26. VALENTIN CORTES, ROBERTO	P.O. BOX 1992 ISABELA, PR 00662	\$	60,545.67
27. VEGA MANGUAL, JOSE M.	URB. BORINQUEN CALLE B #108 AGUADILLA, PR 00603	\$	40,051.85
28. VELEZ ROSARIO, AWILDA	BO. SABANA HOYOS ARECIBO, PR 00688	\$	41,026.23
		\$	1,423,557.27

Total Aggregate Amount (approx.) owed by Commonwealth to Group of Creditors of the Consolidated Judgment dated April 22, 2016:

\$3,486,109.80 + 1,423,557.27 = \$4,909,667.07